

**Ordinance No. 2005-05-02**

**AN ORDINANCE OF THE  
SOUTHERN SHORES TOWN COUNCIL RELATING TO  
AMENDING THE ZONING ORDINANCE  
RELATING TO SCREENING NATURAL GAS FACILITIES**

**Dare County, North Carolina**

**Be It Ordained by the Southern Shores Town Council as follows:**

**Article I: Purpose**

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

**Article II. Construction**

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Zoning Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Zoning Ordinance shall be shown in italics (*italics*).

**Article III. Create Section 6.12 Southern Shores Zoning Ordinance – Screening Natural Gas Facilities**

Section 6.12. of the Southern Shores Zoning Ordinance is hereby created to read as follows:

Any above ground appurtenances, facilities or structures, (except buildings which are occupied and governed by other provisions of the Southern Shores Zoning Ordinance), constructed as a part of a natural gas utilities system within the Town for the production, transmission, distribution and sale of gas, shall be screened with vegetative buffers as follows:

- A. All appurtenances, facilities or structures shall not be visible from ground level to a point eight feet above ground level.
- B. Buffers shall consist of trees or shrubs as described in Section 6.11.C.1.
- C. Plants shall be of a size and planted at such intervals that they will reach full maturity and/or provide the full screening required herein within three years from the date of the completion of construction of such appurtenance, facility or structure.

- D. The franchisee for such natural gas utility system shall keep, replace and maintain the vegetation buffer required herein such that at all times, the vegetation is alive and, after the first three years, that the full eight foot buffer is at all times in place.
- E. Failure to comply with the terms of this ordinance allows, in addition to any other remedies available under the provisions of the Town Code, the Town may to plant or replace such vegetative buffer to comply with the terms of this ordinance and with all costs thereof shall being charged to the franchise.

#### **Article IV. Severability**

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

#### **Article V: Effective Date**

This Ordinance is effective immediately upon adoption.

Adopted this the \_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
Mayor Hal Denny

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

S E A L

Approved as to form:

\_\_\_\_\_  
Ike McRee, Town Attorney

Date Introduced: May 17, 2005

Dates of Publication: Coastland Times: May 19 and 26, 2005

Date of Public Hearing: June 7, 2005